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Atty. Dkt. No. 043738-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shinsaku TAKAOKA
Title: BACILLUS NATTO CULTURE EXTRACT
Appl. No.: 10/761,430
Filing Date: 01/22/2004
Examiner: Unassigned
Art Unit: 1651

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

Documents A4 – A8 were cited as being relevant in the parent application, U.S. application Serial No. 10/060,658, filed January 30, 2002, now U.S. Patent 6,730,504, which is a continuation of U.S. application Serial No. 09/832,595, filed April 11, 2001, now abandoned. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent applications. Documents A1 – A3 and A9 – A14 are newly cited prior art references.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to OG Notice dated August 5, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003*. However, copies of documents A9 – A14 are being provided herewith.

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 5, 2004

FOLEY & LARDNER LLP


Customer Number: 22428

Telephone: (202) 672-5475

Facsimile: (202) 672-5399

By Cindy B. Burrous
Reg No 37,288
for Beth A. Burrous
Attorney for Applicant
Registration No. 35,087

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

 Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	10/761,430
		Filing Date	01/22/2004
		First Named Inventor	Shinsaku TAKAOKA
		Group Art Unit	1651
		Examiner Name	Unassigned
		Attorney Docket Number	043738-0103

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	6,420,145	B1	SUMI	07-16-2002	
	A2	6,537,543	B1	MINAKAWA	03-25-2003	
	A3	6,669,971	B1	KATO et al.	12-30-2003	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A4	SUMI et al., "A Novel Fibrinolytic Enzyme (nattokinase) in the Vegetable Cheese Natto; a typical and popular soybean food in the Japanese diet," <u>Experientia</u> , 1987, pp. 1110-1111, Vol. 43, Birkhauser Verlag, CH-4010 Basel/Switzerland	
	A5	SUMI et al., "Enhancement of the Fibrinolytic Activity in Plasma by Oral Administration of Nattokinase," <u>Acta Haematol</u> , 1990, pp. 139-143, Vol. 1990, S. Karger AG, Basel, Switzerland	
	A6	NISHIMURA et al., "Natto diet was apparently effective in a case of incipient central retinal vein occlusion," <u>Ganka Rinsho Ihou</u> , 1994, pp. 53-57, Vol. 88, No. 9 (partial translation provided)	
	A7	SUMI et al., "A Novel Strong Fibrinolytic Enzyme (Nattokinase) in the Vegetable Cheese "Natto"," <u>Fibrinolysis, International Journal of Fibrinolysis and Thrombolysis</u> , 1988, p. 67, Vol. 2, Suppl. 1, TNO Corporate, The Netherlands, Dr. C. Kluft and Dr. F. Haverkate, Eds.	
	A8	Computer WPIDS Derwent Abstract 1996-42191313[42] JP08208512, August 18, 1996	
	A9	SUZUKI et al., "Dietary supplementation of fermented soybean, natto, suppresses intimal thickening and modulates the lysis of mural thrombi after endothelial injury in rat femoral artery," <u>Life Sciences</u> , 2003, pp. 1289-1298, Vol. 73, Elsevier Science Inc.	
	A10	ANTHONY, "Soy and Cardiovascular Disease: Cholesterol Lowering and Beyond," <u>J. Nutr.</u> , 2000, pp. 662S-663S, Vol. 130, American Society for Nutritional Sciences	


Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (use as many sheets as necessary)				Complete if Known	
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First Named Inventor		Shinsaku TAKAOKA			
Group Art Unit		1651			
Examiner Name		Unassigned			
Attorney Docket Number		043738-0103			

[illegible]

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